



Editorial: IFALPA gathering the pilots

by Nico Voorbach

Every year, the International Federation of Air Line Pilot Associations (IFALPA) brings together pilots from across the globe to discuss the most pressing issues for aviation and our profession. This year, the event was hosted by the Panamanian Pilot Organisation UNPAC between 27-31 March, with an ECA Conference slot on Sunday 30 March.

It is always interesting to meet pilots from other regions and discuss the challenges they are confronted with and look for solutions together. It is also a great opportunity to meet with friends who spend a lot of their spare time representing their fellow pilots to the airlines and the National Aviation Authorities.

The already traditional Global Pilot Symposium, which took place before the Conference, focused on the challenges of new employment models and fair competition in aviation. Those issues – high on the agenda in Europe – also attracted the attention of other regions. A telling example of an “exotic” employment model – set up to cut costs and undermine fair competition – is Norwegian Air International. This model is well-known in Europe and the United States but it was an eye opener for pilots from other regions. A clear word of caution was heard during the GPS: unless we act, aviation will follow the bad example of the shipping industry, where most ships operate under a flag of convenience.

And when so many professional pilots from around the world are together the disappearance of Malaysian flight 370 inevitably becomes a topic of discussion. The reasons behind the disappearance of MH370 are certainly worth investigating and discussing. But the main emotion of the pilot community was outrage – outrage with the lack of factual information and growing speculations. A golden rule – that both media and some national authorities seem to have forgotten – is not to release hastily contradictory, unconfirmed or unreliable information that could lead to wrong conclusions or fuel speculations about guilt or fault. Such speculations divert the attention from the fact finding

process and damage the progress of the investigation. For the past weeks crew's and passengers' relatives and friends have had to bear not only a great sorrow and uncertainty but also continuous disrespectful speculations. Such speculations neither serve them, nor do they serve aviation safety.

Relief pilot concept 'cruising' down the wrong path?

Would you accept a car driver who is allowed to only drive on the highway but who has never learned how to get onto the highway, take the exit, drive in a city, let alone park the vehicle? Why would its equivalent in aviation be more acceptable?

As the rulemaking task of the European Aviation Safety Agency (EASA) on 'cruise relief pilots' is about to finish its work and publish its proposed legislative amendments, it is wise to re-examine this concept in the context of today's and tomorrow's aviation.

'Cruise relief co-pilot' means a pilot who relieves the co-pilot and occupies the cockpit's right seat above an altitude of 20000 ft (FL200) when the auto-pilot is mostly on. But today – cruise relief co-pilot as introduced in the EASA rules for Pilot Licensing (Part-FCL) – leads to major safety problems. The current legislation does not require the cruise relief co-pilot to perform any training for take offs and landings on the aircraft type he/she will fly on as cruise relief co-pilot. This means, it creates de facto a new type of EU pilot license, a kind of 'auto-pilot license' which is below the current – already weakening – pilot licensing standards.

Contrary to popular belief, the cruise phase of a flight is not that simple and requires alert, skilled, well-trained and fully attentive pilots to detect many potential hazards. There is a looming possibility of a technical malfunction or (medical) emergency, which each and every crew member in the cockpit must be able to safely handle, both above and below FL 200.

A catastrophe like the AF447 accident over the South Atlantic, where upon the return of the commander to the flight deck the situation had literally gone out of control is a very rare event. Still, the French Accident Investigation Authority BEA mentions several times the crew composition of 2 co-pilots as being unfavourable regarding workload sharing and emotional dynamics.

The role attributed to cruise relief pilots could only be fulfilled successfully when embedded within an overall safety assessment of one specific operator and its particular operational environment. If EASA allows one of these co-pilots to have even less competence (because a cruise relief co-pilot receives less training), it would go diametrically against the lessons learned from the tragic AF447 accident. The following months will be crucial as EASA and stakeholders will determine the future of the cruise relief pilots' concept. EASA's current plan for a de facto 'auto-pilot license' will need revision before they are published to ensure flight safety and pilot training standards are not compromised.

Social dumping: a catchword of the day

A month before the EU-wide elections for new European Parliament (EP), decision makers in Brussels are gearing up for a final – yet crucial – legislative battle on the revision of the Posted Workers Directive. In April, the Parliament will vote on this sensitive, politically laden issue which touches upon Europe's open wounds – employment and social dumping.

The revision of the 17-year old "Posted Workers Directive" is one of the flagships for the EP Employment Committee. It aims at guaranteeing basic labour rights of employees sent to another EU member state by their employer. Yet, European legislation has for years offered "irresistible" loopholes enabling companies to move (mostly) cheaper, foreign workers from one EU country to another, cherry-picking national employment and social security regulations. While this has typically been the case for construction workers, pilots, who are posted temporarily in new bases, hired as seasonal staff or as temporary agency workers, could also fall under the "posted workers" category. Days before the vote in EP Plenary, consensus on the final text – among and within political parties – remains elusive.

Supporters of the directive praise the progress in the social field – a major achievement in an area where the EU unfortunately has difficulties to act. The most likely outcome of the revision will clarify the definition of posting, provide more tools for verification of the employment

status and, ultimately, in case of non-compliance, define liability for employers and contractors.

Opponents question whether the revised directive would clarify anything and emphasize the clear need for improvement before the adoption of such a crucial legislation. A notable shortcoming of the text is the issue of fake self-employment, which is not addressed in the binding part of the legislation but in a non-mandatory recital. In practical terms, it will be up to labour unions to invoke this recital in order to get action from their governments.

The employers and a number of EU Member States also resisted introducing open-ended national control measures, which would supposedly place burden on business. The revised directive will augment the control possibilities of the country of destination (i.e. where the workers are sent to) by stating explicitly that the list of control items is not exhaustive. However, new controls have to be proportionate and have to be notified to the Commission.



It remains a guessing game what the final version of the Posted Workers Directive will be. It is clear though that striking a deal and voting through such an important piece of legislation, in the eve of the European elections, will be a major hurdle for political parties. It also remains certain that social dumping and employment legislation will be one of the major topics of the next EP's legislative term. For ECA it is absolutely necessary that the EU develops new EU rules to stop the distortions within the airline market due to complex "social engineering" by companies aimed at avoiding compliance with employment and social security laws.

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